

## DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATIONS

( ) Original ( ) Supplemental ( ) Substitute (X) PCT

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: "HA-1"

which is described and claimed in:

( ) the attached specification, or

(X) the specification in the application Serial No. \_\_\_\_\_ filed January 21, 2000 ;  
and with amendments through \_\_\_\_\_ (if applicable),(X) the specification in International Application No. PCT/NL98/00424 , filed  
February 4, 1999 , and as amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NO.	DATE OF FILING	PRIORITY CLAIMED
EP	97202303.0	July 23, 1997	(X) YES ( ) NO
_____	_____	_____	( ) YES ( ) NO
_____	_____	_____	( ) YES ( ) NO
_____	_____	_____	( ) YES ( ) NO
_____	_____	_____	( ) YES ( ) NO
_____	_____	_____	( ) YES ( ) NO

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

SERIAL NO.	U.S. FILING DATE	STATUS
_____	_____	( ) Patented ( ) Pending ( ) Abandoned
_____	_____	( ) Patented ( ) Pending ( ) Abandoned
_____	_____	( ) Patented ( ) Pending ( ) Abandoned

As a named inventor I hereby appoint the following attorney(s) and/or agents to prosecute the following application and to transact all business in the Patent and Trademark Office connected therewith: P.T.O.

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FULL NAME OF 3RD INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
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RESIDENCE & CITIZENSHIP	CITY	STATE OR COUNTRY	COUNTRY OF CITIZENSHIP
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I further declare that all statements made herein of my own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1st Inventor E.A.J.M. Goulmy Date Feb 17, 2000  
 2nd Inventor Donald F. Hunt Date June 5, 2000  
 3rd Inventor V.H. Engelhard Date June 9, 2000  
 4th Inventor \_\_\_\_\_ Date \_\_\_\_\_

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## DECLARATION OF DONALD F. HUNT

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

I, Donald F. Hunt, declare that:

1. I am over twenty-one years of age and competent to give sworn testimony.
2. I am a named co-inventor in United States Patent Application Serial No. 09/489,760 entitled "The HA-1 Antigen" filed on January 21, 2000. I am informed and believe that Rijksuniversiteit te Leiden is an assignee of United States Patent Application Serial No. 09/489,760.
3. I am informed and believe that the foreign-filed applications referenced in the PETITION FOR A RETROACTIVE LICENSE UNDER 35 U.S.C. § 184, submitted herewith, were filed in a foreign country in error and without deceptive intent.
4. Pursuant to 37 C.F.R. § 5.25(a)(3)(i), I am informed and believe that the foreign filed applications and patents relating to the present application were not under a secrecy order at the time of filing, have not been under a secrecy order at any time since, and are not currently under a secrecy order. For example, a foreign filing license was granted upon entry of the referenced PCT application into the United States Patent and Trademark Office as of April 12, 2000, (application number 09/489,760) thereby indicating the absence of a secrecy order since that time. Furthermore, the invention is related to immunology and treatment of such diseases as anemia, leukemia and immune deficiency diseases, which subject matter I am informed and believe does not fall within the scope of 35 U.S.C. § 181.
5. Pursuant to 37 C.F.R. § 5.25(a)(3)(ii), I was first informed of a potential need for a foreign filing license on February 4, 2004, and have diligently executed this declaration in pursuit of a retroactive foreign filing license.
6. Pursuant to 37 C.F.R. § 5.25(a)(3)(iii), I am informed and believe that the foreign-filed applications and patents relating to the present application were filed abroad, without a foreign filing license under 37 C.F.R. § 5.11 first having been obtained, through error and without deceptive intent. I am informed and believe that the Rijksuniversiteit te Leiden

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Serial No. 09/489,760

(University of Leiden) filed and prosecuted the applications through the appropriate Patent Offices for the Netherlands.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Donald F. Hunt

Inventor's signature Donald F. Hunt Date 02/5/04  
Residence: Charlottesville, VA 22901  
Citizenship: United States  
Post Office Address: 970 Old Ballard Road



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## DECLARATION OF VICTOR H. ENGELHARD

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

I, Victor H. Engelhard, declare that:

1. I am over twenty-one years of age and competent to give sworn testimony.
2. I am a named co-inventor in United States Patent Application Serial No. 09/489,760 entitled "The HA-1 Antigen" filed on January 21, 2000. I am informed and believe that Rijksuniversiteit te Leiden is an assignee of United States Patent Application Serial No. 09/489,760.
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Serial No. 09/489,760

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of second joint inventor: Victor H. Engelhard

Inventor's signature Victor H. Engelhard Date 2/6/2004  
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